

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                               )      Criminal Action No.  
v.                            )      15-00053-01-CR-W-DW  
                               )  
ANDRE G. DEWBERRY,        )  
                               )  
Defendant.                 )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 3, 2016. Defendant Andre Dewberry appeared in person, pro se, and with Assistant Federal Public Defender Carie Allen as stand-by counsel. The United States of America appeared by Assistant United States Attorney Stefan Hughes.

***I. BACKGROUND***

On February 11, 2015, an indictment was returned charging defendant with one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Hughes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Eric DeValkenaere, Kansas City, Missouri Police Department.

Defendant announced that he will try his case pro se.

**III. OUTSTANDING MOTIONS**

There are no pending motions.

**IV. TRIAL WITNESSES**

Mr. Hughes announced that the government intends to call 5 witnesses without stipulations or 3 witnesses with stipulations during the trial.

Defendant announced that he intends to call 4 witnesses during the trial. The defendant may testify.

**V. TRIAL EXHIBITS**

Mr. Hughes announced that the government will offer approximately 7 exhibits in evidence during the trial.

Defendant announced that he will offer approximately 4 exhibits in evidence during the trial.

**VI. RULE 404(b) EVIDENCE**

Mr. Hughes announced that the government will not offer 404(b) or res gestae evidence during the trial.

Defendant announced that he will offer 404(b) or res gestae evidence during the trial.

**VII. DEFENSES**

Defendant announced that he will rely on the defenses of general denial and necessity.

**VIII. POSSIBLE DISPOSITION**

Defendant stated this case may be for trial.

Mr. Hughes stated the government had proposed a plea agreement to the defendant.

## **IX. STIPULATIONS**

Stipulations are likely as to the defendant's prior felony conviction.

## **X. TRIAL TIME**

The parties were in agreement that this case will take 3-4 days to try.

## **XI. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed August 26, 2015, each party file and serve a list of **exhibits** he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by **August 3, 2016**;

That each party file and serve requested jury **voir dire** examination questions by or before noon, Wednesday, **August 10, 2016**;

That each party file and serve, in accordance with the requirements of Local Rule 51.1, requested **jury instructions** by or before noon, Wednesday, **August 10, 2016**. The parties are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

That each party file all **signed stipulations** by or before noon, Wednesday, **August 10, 2016**;

That **seven days before the trial date** as reflected in the forthcoming trial letter, if there is not a scheduled change-of-plea hearing, the parties shall make available for the opposing party to inspect, copy or photograph (1) **all premarked trial exhibits**, (2) **any written statements that will be used at trial**, and (3) **Rule 404(b) and res gestae evidence to be offered at trial**.

## **XII. UNUSUAL QUESTIONS OF LAW**

Motions in limine will probably be filed concerning justification/the necessity defense.

There are no unusual questions of law.

## **XIII. TRIAL SETTING**

All counsel and the defendant were informed that this case will be listed for trial on the

joint criminal jury trial docket which commences on August 15, 2016.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
August 3, 2016